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10 Attorneys for Defendant

11 VITAMIN SHOPPE INDUSTRIES, INC.

12 8 UNITED STATES DISTRICT COURT

13 9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

14 11 GRADY JACKSON, in his representative  
15 12 capacity pursuant to Cal. Bus. & Prof. Code  
16 13 §§17203, 17535 and Cal. Code Civ. Pro. §§ 382,  
17 1021.5,

18 14 Plaintiffs,

19 15 vs.

20 16 BALANCED HEALTH PRODUCTS, INC., a  
21 17 Delaware Corporation, NIKKI HASKELL, an  
22 18 individual, GENERAL NUTRITION  
23 19 CORPORATION, a Pennsylvania Corporation,  
24 20 GENERAL NUTRITION CENTERS, INC., a  
25 21 Pennsylvania Corporation; GREAT EARTH  
26 22 COMPANIES INC., a Delaware Corporation;  
27 23 VITAMIN SHOPPE INDUSTRIES, Inc. a New  
28 24 York Corporation; and, DOES 1-50, inclusive,

25 25 Defendants.

26 26 Case No. C 08-05584-CW

27 27 **STIPULATION ALLOWING  
28 28 PLAINTIFF TO FILE AMENDED  
COMPLAINT AND SETTING DATE  
FOR RESPONSE; ORDER**

29 29 **STIPULATION ALLOWING PLAINTIFF TO FILE AMENDED COMPLAINT; [PROPOSED] ORDER  
30 30 JACKSON V. BALANCED HEALTH PRODUCTS, INC., ET AL.**

31 31 **CASE NO. C 08-05584-CW**

1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Grady  
2 Jackson ("Plaintiff") and Defendants Balanced Health Products, Inc., Nikki Haskell,  
3 General Nutrition Corporation, General Nutrition Centers, Inc., and The Vitamin Shoppe  
4 Industries, Inc. (collectively, "Defendants"), through their respective counsel, as follows:

5 1. Pursuant to Fed. R. Civ. P. 15(a)(2), the Defendants agree that Plaintiff shall  
6 be permitted to file an Amended Complaint on or before February 27, 2009.

7 2. The deadline for Defendants to answer or otherwise respond to Plaintiff's  
8 Amended Complaint shall be March 13, 2009.

9 Dated: February 20, 2009

10 PINNACLE LAW GROUP, LLP

HOLME, ROBERTS & OWEN LLP

11 By: /s/ Eric Farber  
12 Eric J. Farber  
13 Attorneys for Plaintiff  
GRADY JACKSON

By: /s/ Adam Brezine  
14 Roger R. Myers  
Adam Brezine  
15 Attorneys for Defendant  
VITAMIN SHOPPE INDUSTRIES, INC.

16 Special Appearance:

MCGUIRE WOODS LLP

17 By: /s/ David Gernsbacher  
18 David Gernsbacher (Application for  
Admission Pending)  
Specially Appearing for Defendants  
BALANCED HEALTH PRODUCTS, INC.  
and NIKKI HASKELL

19 By: /s/ Sidney Kanazawa  
20 Sidney K. Kanazawa  
Attorneys for Defendants  
GENERAL NUTRITION  
CORPORATION and GENERAL  
NUTRITION CENTERS, INC.

21 PURSUANT TO STIPULATION, IT IS SO ORDERED:  
22   
23 United States District Judge  
24 Dated: \_\_\_\_\_  
25  
26  
27  
28

STIPULATION ALLOWING PLAINTIFF TO FILE AMENDED COMPLAINT; [PROPOSED] ORDER  
JACKSON V. BALANCED HEALTH PRODUCTS, INC., ET AL.

CASE NO. C 08-05584-CW

**ATTESTATION OF CONCURRENCE IN FILING**

Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), Adam Brezine hereby attests that concurrence in the filing of this stipulation and proposed order has been obtained from Counsel for the non-filing parties.

## HOLME ROBERTS & OWEN LLP

By: /s/ Adam Brezine  
Adam Brezine

Attorneys for Vitamin Shoppe Industries, Inc.

**STIPULATION ALLOWING PLAINTIFF TO FILE AMENDED COMPLAINT; [PROPOSED] ORDER  
JACKSON V. BALANCED HEALTH PRODUCTS, INC., ET AL.**

CASE NO. C 08-05584-CW